

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTIN P. PEARSON, et al.,)	
)	Case No.: 1:20-cv-05096
Plaintiffs,)	
)	Honorable John Robert Blakey
v.)	
)	
COMMUNITY UNIT SCHOOL)	
DISTRICT 303, et al.,)	
)	
Defendants.)	
)	

COMMUNITY UNIT SCHOOL)	
DISTRICT 303, et al.,)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
UNITED SEATING AND MOBILITY, LLC)	
a Missouri Limited Liability Company, d/b/a)	
NUMOTION,)	
)	
Third-Party Defendant.)	
)	

UNITED SEATING AND MOBILITY, LLC)	
a Missouri Limited Liability Company, d/b/a)	
NUMOTION,)	
)	
Defendant / Third-Party Defendant /)	
Cross-Plaintiff,)	
)	
COMMUNITY UNIT SCHOOL)	
DISTRICT 303, et al.,)	
)	
Defendant / Third-Party Plaintiffs /)	
Cross-Defendant.)	
)	

NUMOTION'S RESPONSE TO PLAINTIFFS' MOTION FOR AN EXPEDITED TRIAL

NOW COMES, Defendant/Third-Party Defendant/Cross-Plaintiff, UNITED SEATING

AND MOBILITY, LLC, a Missouri Limited Liability Company, d/b/a NUMOTION (“Numotion”), by and through its counsel, NIELSEN, ZEHE & ANTAS, P.C., for its Response to Plaintiffs’ Motion for an Expedited Trial, and in support thereof, states as follows:

1. This lawsuit arises from an occurrence on August 14, 2019 in which Corban Pearson was injured when his wheelchair tipped forward and landed on him while he was being transported home on a school bus.

2. A trial date has not been set in this matter.

3. On September 17, 2025, Plaintiffs filed a Motion for an Expedited Trial. Dkt. 249.

4. The Motion argues that an expedited trial is warranted as the Defendants have protracted litigation for over five (5) years through numerous delays; the most recent of which was occasioned by the School District Defendants unilaterally cancelling a scheduled mediation and failing to provide an agreed upon minimum offer once the mediation was held. *Id.* at ¶¶ 6, 7.

5. Plaintiffs further argue that the Motion should be granted because Corban suffers from a degenerative condition, Duschenne’s Muscular Dystrophy, which has made it increasingly difficult for him to participate in this litigation. *Id.* ¶ 8. Further, that an expedited trial is necessary because people who have Duschenne’s Muscular Dystrophy have a significantly diminished life expectancy. *Id.*

6. However, the Motion fails to account for the Parties’ fully briefed motions for summary judgment which were filed as of April 1, 2025 that have not been ruled upon. Dkt. 245, 248.

7. It must also be noted that while the Motion asserts that the Defendants, collectively, have contributed to delays in litigation, it does not provide a single example as to how Numotion has done so.

8. To that end, Numotion was not a part of the discussions to schedule the mediation but participated in it without objection.

9. Additionally, Numotion has been awaiting direction from the Court as to its motion for summary judgment and further instructions as to a joint status report, a pretrial conference, and/or a trial date, if necessary, in conformance with the Court's prior Minute Entries. *See* Dkt. 31, 39, 45, 68, 78, 89, 101, 123, 145, 148, 163, 175.

10. Therefore, Numotion objects to Plaintiffs' Motion for an Expedited Trial as it awaits a ruling on its motion for summary judgment and further instruction from the Court.

WHEREFORE, Defendant/Third-Party Defendant/Cross-Plaintiff, UNITED SEATING AND MOBILITY, LLC, a Missouri Limited Liability Company, d/b/a NUMOTION, respectfully requests that this Honorable Court deny Plaintiffs' Motion for an Expedited Trial and for any other relief it deems just and proper.

Dated: September 18, 2025

Respectfully submitted,

NIELSEN, ZEHE & ANTAS, P.C.

/s/ Paul Bozuch

One of Numotion's Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September, 2025, I electronically filed the foregoing Reply with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered participants.

/s/Paul Bozzych

One of Numotion's Attorneys